

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SEP 22 2016

BY  
DEPUTY \_\_\_\_\_

DONALD WAYNE HEROD  
T.D.C.J. - C.I.D. NO. #1538539  
PLAINTIFF

VS

TEXAS DEPARTMENT OF  
CRIMINAL JUSTICE  
EASTHAM UNIT  
WARDEN BELL; ET-AL

UNIVERSITY OF TEXAS  
MEDICAL BRANCH; ET-AL  
ATTACHED TO EASTHAM  
ITS EMPLOYEES JOHN DOE,  
JAN DOE, JAMES DOE

TEXAS DEPARTMENT OF  
CRIMINAL JUSTICE -  
CORRECTIONAL INSTITUTIONAL  
DIVISION  
RICK THALER, DIRECTOR; ET-AL  
DEFENDANTS

CIVIL ACTION NO. #  
9:14-CV-00069-ZJH

ORIGINAL COMPLAINT (AMENDED)

PLAINTIFF DONALD WAYNE HEROD #1538539, TO PUT WHERE AS ALL DEFENDANTS IN THEIR INDIVIDUAL AND THEIR OFFICAL CAPACITY AND SINCE THE ATTORNEY GENERAL OF TEXAS WILL NOT DISCLOSE THE NAMES OF PERSONAL WHO WAS IN THE CLINIC AT THAT TIME. THE PLAINTIFF CLAIMS THAT WHEN HE BECAME UNCONSCIOUS IN HIS HOUSING SPACE - THE DUTY OFFICER CAME TO DETERMINE WHAT HAD HAPPENED. WHEN I WAS OBSERVED TO BE UNCONSCIOUS STATE HE SUMMONED TO PRISON MEDICAL STAFF TO COME AND GET ME TO THE PRISON CLINIC FOR MEDICAL EVALUATION. THEY APPARENTLY ARRIVED WITH A GURNY AND LOADED ME ONTO IT WITHOUT PROPERLY TYING ME DOWN IN MY UNCONSCIOUS STATE. AS THEY RAPIDLY PUSHED THE GURNY TO WHEEL ME AWAY FROM MY LIVING SPACE EN ROUTE TO THE INFIRMARY THE WHEEL HIT A BOMP GOING THROUGH A

DOORWAY WHERE MY BODY WAS THROWN BY TWO PRISONERS FIRST INTO THE CONCRETE. THIS FAIL OBVIOUSLY CAUSED ME SERIOUS BODY INJURYS TO MY SHOULDERS AND NECK INJURYS AS I WAS UNCONSCIOUS I WAS AIR LIFTED TO THE HOSPITAL TO HAVE A MEDICAL EVALUATION DONE THERE. WHEN I WOKE UP MY HANDS WERE IN HANDCUFFS AND I ASK THE OFFICER NEXT TO ME WHAT WAS GOING ON SHE SAID SHE DID NOT NO MAYBE I HAD SOME ANSWERS THEN A NURSE CAME IN AND I ASK HER THE SAME THING SHE SAID HOPEFULLY I HAD SOME ANSWERS TO WHAT HAD HAPPEN TO ME AND THAT THE DOCTOR WOULD BE IN SOON AND I NEEDED TO PEE SHE LEFTED UP THE COVER AND SAID LET IT RIA THAT I WAS PLUGED UP "I HAD A CATHETER PUT INTO MY PENIS" THE DOCTOR CAME AROUND AND TOLD ME MY NECK WAS CRACKED AND BOTH OF MY SHOULDERS WOULD NEED TO BE REPLACED THEY WERE CRUSHED BEYOND REPAIR THEN I WAS SENT BY AN AMBULANCE TO HAVE SURGERY ON MY TO MY SHOULDERS TO REPAIR THE DAMAGE THEY HAD DONE DUE TO THEIR RECKLESS NEGLIGENCE IN PUSHING THE GRUNY WITHOUT PROPERLY TYING MY BODY DOWN AS I LAY THERE UNCONSCIOUS. THEY NEVER DETERMINED WHAT CAUSED ME TO BLACK OUT IN THE FIRST PLACE AFTER THE SURGERY ON BOTH OF MY SHOULDERS AND THEY DID NOTHING ABOUT THE CRACK IN MY NECK, I'M IN CONSTANT PAIN AND SUFFERING! WHEN I WAS AT CAROL YOUNG I WAS GETTING I HAD PROFFEN WHEN I WAS SENT TO ESTELL UNIT THEY TOOK IT AWAY NOW HERE AT THE MCCONNELL UNIT I GET ACETAMINOPHEN & TABS EVERY DAY AND AT NIGHT THEY GIVE ME NORTRIPTLINE HCL A NUT DRUG BUT THEY DONT HELP, I WAKE UP EVER NIGHT BETWEEN 12:30 TO 1:30 BOTH OF MY SHOULDERS AND NECK HURTING AT THAT EVERY DAY! ITS THE LACK OF TRAINING ON WHAT TO DO IN A MEDICAL CRISIS THEIR ON THE EASTHAM UNIT WHICH LEAD TO BOTH OF MY SHOULDERS CRUSHED BEYOND REPAIR THEY BOTH HAD TO BE REPLACED AND NOTHING WAS DONE ABOUT THE CRACK IN MY NECK! THE CONSTITUTION REQUIRES PRISON AND JAIL OFFICIALS TO PROVIDE "REASONABLE SAFETY" FOR PRISONERS HELLING V. MCKINNEY - U.S. - 113 S. CT. 2475, 2480 (1993) EVEN IF PRISON OFFICIALS DONT KNOW ABOUT THE RISK TO A PARTICULAR PRISONER, THEY CAN BE HELD LIABLE FOR POLICIES OR CONDITIONS THAT ARE DANGERS TO ALL PRISONERS OR TO AN IDENTIFIABLE GROUP OF PRISONERS FARMER V. BRENNAN - U.S. - 114 S. CT. 1970, 1982 (1994) ("IT DOES NOT MATTER WHETHER A PRISONER FACES AN EXCESSIVE RISK OF ATTACK FOR REASONS PERSONAL TO HIM OR BECAUSE ALL PRISONERS IN HIS SITUATION FACE SUCH A RISK."); LAMARCA V. TURNER 995 F. 2d 1526, 1535 (11th Cir. 1993), CERT DENIED, 114 S. CT. 1189 (1994) (DELIBERATE INDIFFERENCE COULD BE FOUND BASED

ON FAILURE TO PROTECT FROM THE GENERAL DANGER ARISING FROM A PRISON ENVIRONMENT THAT BOTH STIMULATED AND CONDONED VIOLENCE THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE - CORRECTIONAL INSTITUTIONAL DIVISION EASTHAM UNIT WARDEN BELL "UNDER THE COLOR OF STATE LAW" FAILED TO DO PERSONAL BACKGROUND CHECKS ON THE PEOPLE WHO WORKED THEIR ON THE EASTHAM UNIT WHICH LEAD TO THIS WHOLE MESS "THE LACK OF TRAINING" RICK THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE - CORRECTIONAL INSTITUTIONAL DIVISION "UNDER THE COLOR OF STATE LAW" HIRED UNIT WARDEN BELL TO DO THESE KINDA OF CHECKS ON THE EASTHAM EMPLOYEES THAT WAS NOT DONE, EACH OF THEM RICK THALER, AND BELL WERE THEIR TO PROTECT ME FROM THIS! PLAINTIFF CONTENDS THAT THE GRIEVANCES THAT THE ATTORNEY GENERAL HAS USED IN EXHIBIT A, NEVER CAME BACK TO THE PLAINTIFF! THE PLAINTIFF ARGUES THE GRIEVANCES HE USED IN THE ORIGINAL COMPLAINT WAS STEP 1 NO<sup>FF</sup> 2014072103, STEP 2<sup>FF</sup> 2014072103 AND WERE SIGNED OFF ON, THIS SHOULD BE ENOUGH OF REQUIREMENT TO EXHAUST HIS ADMINISTRATION! THE EXHIBIT NEEDS TO BE PUBLISHED AND OUPON FOR ALL TO SEE LIKE THE PLAINTIFF. STOP WITHHOLDING ALL OR THE RECORDS FROM ST. JOSEPH HOSPITAL.

### RELIEF

THE PLAINTIFF REQUEST RELIEF SENCE HE HAS LOST MOVEMENT IN HIS ARMS TO WHICH HIS LAST JOB REQUIRED BEING ABLE TO LIFT ABOVE HIS HEAD INSIDE 18 WHEELERS THEIR 40 FOOT TRAILERS AND HAVING THE STRENGTH WHICH IVE ALSO LOST MAKING \$200 PER HOUR AND MORE ON WEEKENDS. IM NOW UNEMPLOYABLE NO ONES INSURANCE WILL COVER ME TO WORK ANYWHERE BECAUSE OF MY IMPLANTS! SINCE THE CATHETER WAS RIPPED FROM MY BODY I HAVE NO PENIS ALL I HAVE IS THE HEAD TO WHICH IVE LOST BEING ABLE TO FELL WHEN I URNATE NOW NO MORE SEX I DONT HAVE NOTHING IM ASKING FOR FIVE MILLION DOLLARS PER DEFENDANT WHICH WILL COME TO 25 MILLION DOLLARS FOR THE LOSS OF SEX LIFE. FORE MY SHOULDERS IM ASKING FOR FIVE MILLION DOLLARS PER. SHOULDER PER. DEFENDANT WHICH WILL BE 50 MILLION DOLLARS FOR ALL DEFENDANTS! THE PLAINTIFF WILL HAVE NO WAY TO MAKE A LIVING THE WAY HE'S BEEN DOING ALL OF HIS LIFE. ON DECEMBER 11TH 2012 A BOMB HAS TURNED HIS LIFE UP SIDE DOWN!

VERIFICATION

I HAVE READ THE FOREGOING COMPLAINT AND HEREBY VERIFY, THAT THE MATTERS ALLEGED THEREIN ARE TRUE, EXCEPT AS TO MATTERS ALLEGED ON INFORMATION AND BELIEF, AND, AS TO THOSE, I BELIEVE THEM TO BE TRUE I CERTIFY UNDER PENALTY OF PERJURY, THAT THE FOREGOING IS TRUE AND CORRECT

EXECUTED AT BEEVILLE, TEXAS ON SEPTEMBER 19<sup>TH</sup>, 2016

RESPECTFULLY SUBMITTED,

Donald Wayne Herod

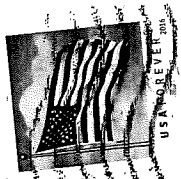
DONALD WAYNE HEROD #1538539

MCCONNELL UNIT

3001 SOUTH EMILY DRIVE

BEEVILLE, TX. 78102

DONALD WAYNE HEROD #7538539  
MC CONNELL UNIT  
3001 South Emily Drive  
BEEVILLE, TX. 78102



SAN ANTONIO TX 78209  
RIO GRANDE DISTRICT  
20 SEP 2016 PM 3:11

U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
104 N. THIRD  
LUFKIN, TX. 75901

75901-983135

